IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Matti LIPSANEN *et al.*	Confirmation No.:	6309
Application No.:	10/701,066	Examiner:	Branske, Hilary
Filed:	November 5, 2003	Group Art Unit:	2437

For: METHOD AND SYSTEM FOR CONTROLLING ACCESS TO CONTENT

Commissioner for Patents
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal dated October 11, 2010.

I. REAL PARTY IN INTEREST

The real party in interest is Nokia Corporation, a corporation organized under the laws of Finland and having a place of business at Keilalahdentie 4, FIN-02150 Espoo, Finland. The above referenced application is assigned to Nokia Corporation.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF THE CLAIMS

Claims 1-10 and 12-39 are pending in this appeal, of which claims 27-37 are withdrawn, and Claim 11 has previously been canceled without prejudice or disclaimer. No claim is allowed.

This appeal is therefore taken from the final rejection of claims 1-10, 12-26, 38 and 39 on July 9, 2010. An Amendment that amends claims 1, 38 and 39 is submitted concurrently herewith in attempts to reduce the issues for appeal in this matter.

IV. STATUS OF AMENDMENTS

The amendment to claims 1, 38 and 39 submitted concurrently herewith has not yet been entered and is not relied upon in this appeal. Accordingly, Appellants present two claim appendices, the first directed to the current claims, and the second directed to the claims if the Amendment is entered by the Examiner.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed invention addresses problems associated with controlling content consumption based on suitability of the content for a particular user. In particular, the claimed invention provides a method, apparatus and computer program for controlling user access to content by detecting the presence of the users in a region where the content is available for consumption, determining the access rights of the detected users, and controlling access to the content according to the determined access rights.

Independent claim 1 provides for the following:

1. A method of controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content transmitted across a communications medium, comprising: (*See, e.g.*, Specification, ¶¶ 6, 49, 133-135; FIGS. 1, 11, 12)

detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications (*See, e.g.*, Specification, ¶¶ 6, 49, 133; FIGS. 11, 12);

determining access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content (*See, e.g.*, Specification, ¶¶ 6, 49, 134; FIGS. 11, 12); and

selectively controlling access or consumption of receivable content by each of the detected users according to the determined access rights (*See, e.g.*, Specification, ¶¶ 6, 49, 135; FIGS. 11, 12).

Independent claim 38 provides for the following:

38. A content receiver terminal for controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content delivered across a communications medium, comprising: (*See, e.g.*, Specification, ¶¶ 6, 49, 133-135; FIGS. 1, 11, 12)

at least one processor (*See, e.g.*, Specification, ¶ 81-82; FIG. 4); and

at least one memory including computer program code (*See, e.g.*, Specification, ¶ 81, 83-85; FIG. 4),

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following (*See, e.g.*, Specification, ¶ 81-85),

detect a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the users' wireless communication

devices by wireless communications (*See, e.g.*, Specification, ¶¶ 6, 49, 133; FIGS. 11, 12),

determine access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content (*See, e.g.*, Specification, ¶¶ 6, 49, 134; FIGS. 11, 12); and

selectively control access or consumption of receivable content by each of the detected users according to the determined access rights (*See, e.g.*, Specification, ¶¶ 6, 49, 135; FIGS. 11, 12).

Independent claim 38 provides for the following:

39. A computer-readable storage medium encoded with processing instructions for implementing a method of controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content receivable across a communications medium which, when executed by one or more processors, cause an apparatus to at least perform the following steps: (*See, e.g.*, Specification, ¶¶ 6, 49, 83-85, 133-135; FIGS. 1, 11, 12)

detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the users' wireless communication devices by wireless communications (*See, e.g.*, Specification, ¶¶ 6, 49, 133; FIGS. 11, 12),

determining access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content (*See, e.g.*, Specification, ¶¶ 6, 49, 134; FIGS. 11, 12); and

selectively controlling access or consumption of receivable content by each of the detected users according to the determined access (*See, e.g.*, Specification, ¶¶ 6, 49, 135; FIGS. 11, 12).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(1) Rejection of claims 1-26, 38 and 39 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

(2) Rejection of claims 1, 2, 5-8, 10-15, 18-20, 23-26, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Maissel et al.* (US 2003/0088872) in view of *Thomas* (US 7,134,130) in view of *Franzdonk* (US 2005/0021467); and

(3) Rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Maissel et al.* (US 2003/0088872) in view of *Thomas* (US 7,134,130) in view of *Franzdonk* (US 2005/0021467), and further in view of *Hawley et al.* (US 2001/0021950);

(4) Rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Maissel et al.* (US 2003/0088872) in view of *Thomas* (US 7,134,130) in view of *Franzdonk* (US 2005/0021467), and further in view of *Eaton et al.* (US 2004/0203377);

(5) Rejection of claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Maissel et al.* (US 2003/0088872) in view of *Thomas* (US 7,134,130) in view of *Franzdonk* (US 2005/0021467), and further in view of *Nickum* (US 6,359,661);

(6) Rejection of claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Maissel et al.* (US 2003/0088872) in view of *Thomas* (US 7,134,130) in view of *Franzdonk* (US 2005/0021467), and further in view of *Kwoh et al.* (US 6,115,057);

(7) Rejection of claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Maissel et al.* (US 2003/0088872) in view of *Thomas* (US 7,134,130) in view of *Franzdonk* (US 2005/0021467), and further in view of *Herweck et al.* (US 5,731,763); and

(8) Rejection of claim 22 under 35 U.S.C. § 103(a) as being unpatentable over *Maissel et al.* (US 2003/0088872) in view of *Thomas* (US 7,134,130) in view of *Franzdonk* (US 2005/0021467), and further in view of *Chapman et al.* (US 6,216,228).

VII. ARGUMENT

A. CLAIMS 1-26, 38 AND 39 ARE NOT INDEFINITE UNDER 35 U.S.C. § 112, SECOND PARAGRAPH, BECAUSE THEY PARTICULARLY POINT OUT AND DISTINCTLY CLAIM THE SUBJECT MATTER OF AT LEAST ONE EMBODIMENT OF THE APPLICANTS INVENTION AS DISCRIBED IN THE SPECIFICATION

Claims 1-26, 38 and 39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to the elements reciting (a) "detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications," and (b) selectively controlling access or consumption of receivable content by each of the detected users according to the determined access rights," the Office Action alleges that claims 1, 38 and 39 "do not correspond to the explanation given in the description of the embodiments in the specification. (*Office Action*, Pp. 4-5, ¶ 11) Appellants respectfully traverse this rejection as follows.

Claims 1, 38 and 39 recite embodiments of the claimed invention within the scope of the claim terms. For example, claim 1 recites a method as follows:

> A method of controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content transmitted across a communications medium, comprising:
> detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications;
> determining access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content; and
> selectively controlling access or consumption of receivable content by each of the detected users according to the determined access rights.

Further, claims 38 and 39 respectively recite an apparatus and computer program product, which perform a substantially similar process to that of claim 1. As presented in further detail below, the Specification provides distinct and clear support for the subject matter of claims 1, 38 and 39, and there are no legally cognizable issues under 35 U.S.C. § 112.

For example, the specification, with reference to FIG. 12, describes "an exemplary process 1200 by which access or consumption of content by an audience of one user or a group of users is controlled in accordance with one embodiment of the present invention. (*Specification*, ¶ 131) According to the process 1200, with respect to the detecting step, the specification provides that "[a]t step 1204, receiver 110 detects the presence of one or more users capable of consuming content received or receivable by the receiver." (*Specification*, ¶ 133) Then, with respect to the determining step, the specification provides that "[a]t step 1206, receiver 110 determines the access rights level to content for the detected user or the detected group of users." (*Specification*, ¶ 134) Pursuant to the determination, the specification further provides that, "[i]n the situation where plural users are detected, the access rights level of the group may be the access rights level

of any one of the detected users or may be based on an evaluation of the access rights level of some or all of the detected users (e.g., access rights level of group=lowest or highest access rights level of the group members or a combination of access rights levels of group members)." (*Specification*, ¶ 134) Lastly, with respect to the selectively controlling step, the specification provides that "[a]t step 1208, receiver 110 controls (e.g., restricts or allows) access or consumption of content by the one or more detected users according to the determined access rights level of at least one of the detected users." (*Specification*, ¶ 135) The specification then further elaborates that, "[f]or example, this [control] may involve comparison of access rights level of a detected user or a group of detected users to the access ratings of received or receivable content." (*Specification*, ¶ 135) Accordingly, Appellants submit that claims 1, 38 and 39 are distinctly and consistently supported by at least one embodiment as described in the Specification.

The Examiner, however, as a basis for the rejection of claims 1-26, 38 and 39 under 35 U.S.C. § 112, second paragraph, points to two different embodiments described in the specification, and asserts that a second of the two embodiments is in contrast with the first of the two embodiments. A first embodiment, according to the Examiner, teaches "a receiver that detects the presence of one or more users in a region via their wireless communication devices (WCDs) and controls access to the content based on the detected users (Fig. 1 and page 10, ¶ 0047)." (*Office Action*, P. 5, Ll. 3-6) A second embodiment, according to the Examiner, comprises a scenario where "the communications device communicates directly with the content provider, without the use of a receiver (Fig. 2 and page 11, ¶ 0053)." (*Office Action*, P. 5, Ll. 8-10) The Examiner then states that, with the second embodiment, "[t]here is only a single user in this environment, and the WCD controls access of the content based on that user's access

rights," and asserts that "this is in contrast to the first embodiment that determines a single access rights level to apply to content based on the detected one or more users." (*Office Action*, P. 5, Ll. 12-14)

As is apparent from this reasoning, however, the Examiner is focusing on two different or alternate embodiments of the specification, and not the language of the claims. Indeed, while a specification may disclose any number of alternate embodiments of the invention, there is no provision under §112, or otherwise, requiring that a claim consistently read on all embodiments described in the specification. The fact remains that each of claims 1, 38 and 39 recites the distinct subject matter that defines the meets and bounds of the invention captured by the claim, and, as specified above, is supported by the specification. Whether or not the specification describes alternate embodiments that may or may not be consistent with these claims does not constitute a valid inquiry under 35 U.S.C. § 112, second paragraph.

Appellants, therefore, respectfully submit that the imposed rejection of independent claims 1, 38 and 39, as well as claims 2-26 depending therefrom, under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, cannot be sustained. Accordingly, Appellants respectfully solicit the reversal of the rejection of claims 1-26, 38 and 39 under 35 U.S.C. § 112, second paragraph.

B. CLAIMS 1, 2, 5-8, 10-15, 18-20, 23-26, 38 AND 39 ARE NOT OBVIOUS UNDER 35 U.S.C. § 103(A) OVER MAISSEL IN VIEW OF THOMAS AND IN VIEW OF FRANZDONK, BECAUSE THE CITED COMBINATION FAILS TO DISCLOSE OR SUGGEST THE DETECTION OF EACH OF THE USERS VIA THE USERS' WIRELESS COMMUNICATION DEVICES BY WIRELESS COMMUNICATIONS

Claims 1, 2, 5-8, 10-15, 18-20, 23-26, 38 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Maissel in view of Thomas and in view of Franzdonk*. (Office Action, Pp. 8-22, ¶¶ 16-36). Each of independent claims 1, 38 and 39 recites, *inter alia*, the element of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**." In addressing this element of the independent claims, the Office Action acknowledges that "*Maissel* does not specifically disclose detecting a presence [of] each of the users [in at least one region] in which content receivable by at least one receiver terminal may be consumed." (*See Office Action*, P. 9, Ll. 20-21 w.r.t. claim 1; P. 17, Ll. 7-9 w.r.t. claim 38; P. 20, Ll. 5-6 w.r.t. claim 39) Instead, the Office Action cites to *Thomas* for the alleged disclosure of this element. Specifically, the Examiner asserts that "*Thomas*, however, discloses 'detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed,' i.e., signal provides indication of the identity of each individual of the monitored area having access to the display (col. 7, lines 40-46 and col. 9, lines 14-49)." (*See Office Action*, P. 9, L. 20 to P. 10, L. 3 w.r.t. claim 1; P. 17, Ll. 9-13 w.r.t. claim 38; P. 20, Ll. 6-10 w.r.t. claim 39)

As an initial matter, in view of the Examiner's objection to claims 1, 38 and 39 (set forth at Pp. 3-4, ¶ 9 of the Office Action), the Examiner's analysis apparently reads the claim element "via the wireless communications devices by wireless communications" as applying to the receipt of the content by the receiver terminal as opposed to the detection of a presence of each of the

users in the region. This reading becomes evident from the fact that, in the § 103(a) rejections, the Examiner reads the remote controls taught by *Maissel* on this element of claims 1, 38 and 39 – asserting that "*Maissel* discloses … 'detecting of users in at least one region in which content receivable by at least one receiver terminal may be consumed via one or more users' wireless communications devices by wireless communications,' i.e., each member of the family of the user may select a corresponding agent by using a different remote control." (*See Office Action*, P. 9, Ll. 6-10) Moreover, the Examiner's rejections subsequently apply *Thomas* to the "detecting" element of claims 1, 38 and 39 without consideration of the modifier "via the wireless communications devices by wireless communications."

Applicants respectfully submit, however, that the Examiner's reading of claims 1, 38 and 39 is incorrect in view of the teaching of the Specification of the present application. With reference to FIG. 12, for example, the Specification provides as follows:

> At step 1204, receiver 110 detects the presence of one or more users capable of consuming content received or receivable by the receiver. As shown in FIG. 1, receiver 110 may detect the presence of one user or a group of users via their wireless communications devices 120 by wireless communications (e.g., RFID, Bluetooth, WLAN, etc.) in one or more regions 112 in which content may be consumed. Such communications may involve transmission of some information identifying a user and/or access rights level of the user. For example, user identification information may be a Bluetooth Address (BD_ADDR) of the user's device when employing Bluetooth communications or RFID tag when employing RFID communications. Other identifying data may be employed to facilitate detection and identification of a user. (*Specification*, ¶ 133)

(*See also, Specification*, ¶¶ 142-144 and 192-205) Accordingly, the Specification makes clear that the detection of the presence of the users that is performed via the wireless communications devices (WCDs) of the users. The proper reading of claims 1, 38 and 39 is that the modifier "via the wireless communications devices by wireless communications" must be read as relating to the element of "detecting a presence of each of the users."

With respect to the § 103(a) rejection of the independent claims 1, 38 and 39, as presented above, the Examiner relies on *Thomas* for the alleged disclosure of the element of "detecting a presence of each of the users." *Thomas*, however, lacks the teaching or suggestion of the detection of a presence of the users via a wireless communications device of each user by wireless communications. *Thomas* provides an apparatus and method for controlling access to information based on the content of the information and a user identity. (*Thomas*, Abstract) The apparatus includes a video display that displays the information viewable by one or more users, and a user-recognition input device that determines when a user enters an area with access to the display. (*Thomas*, Abstract) According to the teaching of *Thomas*, the user-recognition input device 208 consists of a video input device including feature recognition capabilities that enable the device to distinguish between two or more users based visible features of the users. (*Thomas*, Abstract) (*See also, Thomas*, Col. 6, Ll. 52-55, providing that the user-recognition input device comprises a room scanner and an image recognition device that processes the signal from the room scanner; and Col. 7, Ll. 51-64, providing that the user-recognition device comprises a video camera and an image recognition device that includes an image recognition processor and image recognition software to identify users within the viewable area of the video camera) *Thomas*, therefore, fails to disclose or suggest the element of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**," as recited in the independent claims 1, 38 and 39.

Other embodiments of *Thomas* teach that (a) "the user-recognition input device 208 includes an audio input device 210 operable to detect sounds in the monitored area or room, and an audio feature recognition device 212 operable to distinguish when an additional user arrives,

by using signals derived from sounds (*Thomas*, Col. 9, Ll. 26-31) (*emphasis added*);" and (b) "the user-recognition input device 210 includes a movement-detection device (such as are commonly available to automatically turn on lights based on detected movements of a person in a "scanned" area) operable to distinguish when an additional user arrives (*Thomas*, Col. 9, Ll. 32-36) (*emphasis added*)." These other embodiments of *Thomas* teach detection via audio signal detection and processing and motion detection, and thus also fail to teach or suggest the claimed element of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**." Moreover, as is evident from the disclosures of these other embodiments, the audio and motion detector user-recognition input device embodiments are capable of only detecting when an additional user enters the monitored area, and are not capable of user identification. It follows that, absent identification of a particular user, these further embodiments of *Thomas* would be incapable of determining access rights to the content based on the detected users, and selectively controlling access of the content by each of the detected users according to the determined access rights, as presently recited in claims 1, 38 and 39. The modification of *Maissel*, by adding the audio or motion detection teachings of *Thomas* to achieve the claimed element of detecting each of the users, therefore, would render *Maissel* unable to achieve the intended purpose. *See, e.g., In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (Providing that if a proposed modification would render the prior art unsatisfactory for the intended purpose, then there is no suggestion or motivation to make the proposed modification.)

Further, the Office Action cites to *Franzdonk* in combination with *Maissel* and *Thomas*. (*Office Action*, P. 10, L. 18 to P. 11, L. 19) The Examiner's rejection appears to cite to

Franszdonk for only the alleged disclosure of the receipt or consumption of the content via wireless communications devices by each of the users. (*See Office Action*, P. 10, Ll. 17-18) (Stating that "[n]either *Maissel* nor *Thomas* explicitly disclose consuming content via wireless communications devices by each of the users.") The rejection, however, also appears to allege that *Franzdonk* discloses the claimed element of detecting the presence of each of the users via the wireless communications devices – citing to *Franzdonk* at ¶¶ 46-47. (*See Office Action*, P. 10, L. 22 to P. 11, L. 5) (Referring to *Franzdonk*'s disclosure of "i.e., content distributors at edges of the network cache content received by content providers and respond to requests received from multiple content destinations.") *Franzdonk* generally discloses a digital rights network, including a digital rights server that stores content consumer rights defining access rights of a content consumer with respect to content, and content owner rights defining access policies to the content as established by a content owner. (*Franzdonk*, ¶ 8) A digital rights agent performs cryptographic operations with respect to access operations relating to the content consumer rights and the content owner rights. (*Franzdonk*, ¶ 8) The access operations include access operations with respect to the content consumer rights and with respect to the content owner rights. (*Franzdonk*, ¶ 8)

The paragraphs 46-47, cited by the Examiner, with reference to FIG. 1, describe an overview of a content distribution system according to the invention of *Franzdonk*. (*Franzdonk*, ¶¶ 44-48) Specifically, the cited paragraphs disclose that:

> [0046] Each of the content distributors 20 cache content received from multiple content providers 16, assisting with the temporary storage of content near the "edges" of a network so as to reduce network congestion that would otherwise occur were a content provider 16 to distribute content responsive to every content request received from a content consumer. Each content distributor 20 is equipped to respond to requests received via the network 18 from the multiple content destinations 22 (e.g., subscribers or other types of content consumers) within a specified service area or conforming to specific

> criteria. Specifically, a content distributor 20, after performing the necessary authorization and verification procedures, may forward content that it has cached to a content destination 22 or, if such content has not been cached, may issue a request for the relevant content to a content provider 16. For example, if the content comprises a live "broadcast", the content may be directly forwarded via the content distributor 20 to the content destination 22.
>
> [0047] Typically, a request for content from a content destination 22 is re-routed to a content distributor 20 located nearby the requesting content destination 22. The requested content is then streamed (or otherwise transmitted) from the content distributor 20 to a media terminal (e.g., a personal computer (PC), set-top box (STB), a mobile telephone, a game console, etc.) at the content destination 22. (*Franzdonk*, ¶¶46-47)

Accordingly, *Franzdonk* teaches the caching of content from multiple content providers by content distributors at the edges of a network to reduce network congestion, and the distribution of the cached content to multiple content destinations in response to requests from content consumers. (*Franzdonk*, ¶46) The content distributors are "equipped to respond to requests received via the network 18 from the multiple content destinations 22 (e.g., subscribers or other types of content consumers) within a specified service area or conforming to specific criteria." (*Franzdonk*, ¶46) In other words, a content distributor is configured to respond to requests from certain content consumers (subscribers) based on a particular service area or other specific criteria of the subscriber. There is no disclosure or suggestion by the teaching of *Franzdonk* that a request is detected as coming from a subscriber whose presence is within the service area at the time of the request. Further, in response to a request for content from a content destination, the content distributor, after performing requisite authorization and verification procedures, provides the content to the requesting content destination. (*Franzdonk*, ¶46) The authorization and verification procedures are specified as being cryptographic operations, such as identification, license encryption, content and user data decryption, and signature verification, which similarly does not equate to detection of a subscriber as being present in a particular service area.

(*Franzdonk*, ¶92) *Franzdonk*, therefore, as with *Thomas*, also fails to disclose or suggest the element of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**," as recited in the independent claims 1, 38 and 39.

Accordingly, for at least the foregoing reasons, neither *Maissel*, *Thomas* or *Franzdonk* alone, nor the cited combination of *Maissel* in view of *Thomas* in view of *Franzdonk*, render independent claims 1, 38 and 39, or claims 2, 5-8, 10-15, 18-20 and 23-26 depending therefrom, obvious under 35 U.S.C. § 103.

C. CLAIM 3 IS NOT OBVIOUS UNDER 35 U.S.C. § 103(A) OVER MAISSEL IN VIEW OF THOMAS AND IN VIEW OF FRANZDONK, AND FURTHER IN VIEW OF HAWLEY, BECAUSE ALL FEATURES OF THE CLAIM ARE NOT DISCLOSED BY THE APPLIED ART, EITHER INDIVIDUALLY OR IN COMBINATION

Claim 3 depends from independent claim 1, and the Office Action applies the combination of *Maissel*, *Thomas* and *Franzdonk* to claim 3 on the same bases as with the § 103(a) rejection of its respective independent claim 1 (addressed in Section B, above). Applicants incorporate herein the arguments presented above in Section B with respect to the application of *Maissel*, *Thomas* and *Franzdonk* to claim 1, accordingly. The Office Action cites to *Hawley* for the alleged disclosure of the element "wherein the region is defined by a communications range of the receiver terminal." (*Office Action*, P. 22, ¶ 38) *Hawley* provides a method and apparatus for controlling access to a computer network using tangible media through the facilitation or limitation of interaction with a computer network based on a tangible token, wherein the computer maintains a database relating token identifiers to associated network-access

criteria and consults the database when presented with an identifier. (*Hawley*, ¶ 2) Appellants submit, however, that *Hawley* lacks the disclosure or suggestion of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**," as recited in independent claim 1, and thus fails to remedy the deficiencies of *Maissel*, *Thomas* and *Franzdonk*. Accordingly, for at least the foregoing reasons, neither *Maissel*, *Thomas*, *Franzdonk* or *Hawley* alone, nor the cited combination of *Maissel* in view of *Thomas* in view of *Franzdonk* and further in view of *Hawley*, render claim 3 obvious under 35 U.S.C. § 103.

D. CLAIM 4 IS NOT OBVIOUS UNDER 35 U.S.C. § 103(A) OVER MAISSEL IN VIEW OF THOMAS AND IN VIEW OF FRANZDONK, AND FURTHER IN VIEW OF EATON, BECAUSE ALL FEATURES OF THE CLAIM ARE NOT DISCLOSED BY THE APPLIED ART, EITHER INDIVIDUALLY OR IN COMBINATION

Claim 4 depends from independent claim 1, and the Office Action applies the combination of *Maissel*, *Thomas* and *Franzdonk* to claim 4 on the same bases as with the § 103(a) rejection of its respective independent claim 1 (addressed in Section B, above). Applicants incorporate herein the arguments presented above in Section B with respect to the application of *Maissel*, *Thomas* and *Franzdonk* to claim 4, accordingly. The Office Action cites to *Eaton* for the alleged disclosure of the element "wherein the detecting a presence further comprises detecting a location of a user's communications device and determining whether the user's communications device is within the region." (*Office Action*, P. 23, ¶ 40) *Eaton* provides a communication system that dynamically manages a plurality of objects, each having a communication device within or in close proximity to the object for communicating a plurality of

object information, wherein a group controller controls the communication within the communication system for the communication device when the object location comes within a communication range of the group controller. (*Eaton*, Abstract) Appellants submit, however, that *Eaton* lacks the disclosure or suggestion of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**," as recited in independent claim 1, and thus fails to remedy the deficiencies of *Maissel*, *Thomas* and *Franzdonk*. Accordingly, for at least the foregoing reasons, neither *Maissel*, *Thomas*, *Franzdonk* or *Eaton* alone, nor the cited combination of *Maissel* in view of *Thomas* in view of *Franzdonk* and further in view of *Eaton*, render claim 4 obvious under 35 U.S.C. § 103.

E. CLAIM 9 IS NOT OBVIOUS UNDER 35 U.S.C. § 103(A) OVER MAISSEL IN VIEW OF THOMAS AND IN VIEW OF FRANZDONK, AND FURTHER IN VIEW OF NICKUM, BECAUSE ALL FEATURES OF THE CLAIM ARE NOT DISCLOSED BY THE APPLIED ART, EITHER INDIVIDUALLY OR IN COMBINATION

Claim 9 depends from independent claim 1, and the Office Action applies the combination of *Maissel*, *Thomas* and *Franzdonk* to claim 9 on the same bases as with the § 103(a) rejection of its respective independent claim 1 (addressed in Section B, above). Applicants incorporate herein the arguments presented above in Section B with respect to the application of *Maissel*, *Thomas* and *Franzdonk* to claim 9, accordingly. The Office Action cites to *Nickum* for the alleged disclosure of the element "receiving an access rights level of each user from the user's communications device." (*Office Action*, P. 24, ¶ 42) *Nickum* provides a method and apparatus for controlling access to television programming using a remote control device which contains program control data that limits the viewer's access to television programming,

wherein the program control data is created and modified by a user with the master control user ID assigned to the remote control device, and the remote control device is optionally assigned one or more user IDs for creating, maintaining and activating a user-customizable profile. (*Nickum*, Abstract) Appellants submit, however, that *Nickum* lacks the disclosure or suggestion of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**," as recited in independent claim 1, and thus fails to remedy the deficiencies of *Maissel*, *Thomas* and *Franzdonk*. Accordingly, for at least the foregoing reasons, neither *Maissel*, *Thomas*, *Franzdonk* or *Nickum* alone, nor the cited combination of *Maissel* in view of *Thomas* in view of *Franzdonk* and further in view of *Nickum*, render claim 9 obvious under 35 U.S.C. § 103.

F. CLAIM 9 IS NOT OBVIOUS UNDER 35 U.S.C. § 103(A) OVER MAISSEL IN VIEW OF THOMAS AND IN VIEW OF FRANZDONK, AND FURTHER IN VIEW OF KWOH, BECAUSE ALL FEATURES OF THE CLAIM ARE NOT DISCLOSED BY THE APPLIED ART, EITHER INDIVIDUALLY OR IN COMBINATION

Claims 16 and 17 depend from independent claim 1, and the Office Action applies the combination of *Maissel*, *Thomas* and *Franzdonk* to claims 16 and 17 on the same bases as with the § 103(a) rejection of its respective independent claim 1 (addressed in Section B, above). Applicants incorporate herein the arguments presented above in Section B with respect to the application of *Maissel*, *Thomas* and *Franzdonk* to claims 16 and 17, accordingly. The Office Action cites to *Kwoh* for the alleged disclosure of the elements (a) "wherein the content guide comprises one or more items indicating receivable content or content-type, the items being configured in a hierarchical parent-child structure in which an access rating of a child item cannot

exceed an access rating of a parent item," and (b) "wherein the filtering comprises preventing processing of an unsuitable item and any associated child items of the content guide based on the determined access rights." (*Office Action*, Pp. 25-26, ¶¶ 44-45) *Kwoh* provides an apparatus for allowing rating level control of the viewing of a program, which includes a device for entering a desired rating level for controlling the viewing of a program, a device for extracting rating data from a program video segment, the rating data indicating a rating level of the program video segment, and a device for extracting text data representative of the content of the program video segment, wherein the apparatus determines whether the extracted rating data indicates that the program video segment has an acceptable rating level for viewing with regard to the entered desired rating level and blocks the program video segment if it is determined that the extracted rating data indicates that the segment has an unacceptable rating level for viewing with regard to the entered desired rating level. (*Kwoh*, Abstract) Appellants submit, however, that *Kwoh* lacks the disclosure or suggestion of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**," as recited in independent claim 1, and thus fails to remedy the deficiencies of *Maissel*, *Thomas* and *Franzdonk*. Accordingly, for at least the foregoing reasons, neither *Maissel*, *Thomas*, *Franzdonk* or *Kwoh* alone, nor the cited combination of *Maissel* in view of *Thomas* in view of *Franzdonk* and further in view of *Kwoh*, render claims 16 and 17 obvious under 35 U.S.C. § 103.

G. CLAIM 21 IS NOT OBVIOUS UNDER 35 U.S.C. § 103(A) OVER MAISSEL IN VIEW OF THOMAS AND IN VIEW OF FRANZDONK, AND FURTHER IN VIEW OF HERWECK, BECAUSE ALL FEATURES OF THE CLAIM ARE NOT DISCLOSED BY THE APPLIED ART, EITHER INDIVIDUALLY OR IN COMBINATION

Claim 21 depends from independent claim 1, and the Office Action applies the combination of *Maissel*, *Thomas* and *Franzdonk* to claim 21 on the same bases as with the § 103(a) rejection of its respective independent claim 1 (addressed in Section B, above). Applicants incorporate herein the arguments presented above in Section B with respect to the application of *Maissel*, *Thomas* and *Franzdonk* to claim 21, accordingly. The Office Action cites to *Herweck* for the alleged disclosure of the element "wherein the abstaining from receiving data burst comprises powering down at least content receiving components of the receiver terminal during data bursts of content determined unsuitable." (*Office Action*, P. 26, ¶ 47) *Herweck* provides an access controller for a display device, which includes a wireless transmitter and a receiving that receives and demodulates a control signal sent by the transmitter, and drives the switching circuitry between ON and OFF states. (*Herweck*, Abstract) Appellants submit, however, that *Herweck* lacks the disclosure or suggestion of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**," as recited in independent claim 1, and thus fails to remedy the deficiencies of *Maissel*, *Thomas* and *Franzdonk*. Accordingly, for at least the foregoing reasons, neither *Maissel*, *Thomas*, *Franzdonk* or *Herweck* alone, nor the cited combination of *Maissel* in view of *Thomas* in view of *Franzdonk* and further in view of *Herweck*, render claim 21 obvious under 35 U.S.C. § 103.

H. CLAIM 22 IS NOT OBVIOUS UNDER 35 U.S.C. § 103(A) OVER MAISSEL IN VIEW OF THOMAS AND IN VIEW OF FRANZDONK AND IN VIEW OF HERWECK, AND FURTHER IN VIEW OF CHAPMAN, BECAUSE ALL FEATURES OF THE CLAIM ARE NOT DISCLOSED BY THE APPLIED ART, EITHER INDIVIDUALLY OR IN COMBINATION

Claim 22 depends from claim 21, and the Office Action applies the combination of *Maissel*, *Thomas*, *Franzdonk* and *Herweck* to claim 22 on the same bases as with the § 103(a) rejections of claim 21, and its respective independent claim 1 (addressed in Sections B and G, above). Applicants incorporate herein the arguments presented above in Sections B and G with respect to the application of *Maissel*, *Thomas*, *Franzdonk* and *Herweck* to claim 22, accordingly. The Office Action cites to *Chapman* for the alleged disclosure of the element "receiving receivable content including an electronic watermark indicating an access rating for the content." (*Office Action*, P. 27, ¶ 49) *Chapman* provides a method and a system for automatically controlling display of video or image data in dependence on content classification information, which is integrated within the data by means of invisible digital watermarking techniques. (*Chapman*, Abstract) Appellants submit, however, that *Chapman* lacks the disclosure or suggestion of "**detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications**," as recited in independent claim 1, and thus fails to remedy the deficiencies of *Maissel*, *Thomas*, *Franzdonk* and *Herweck*. Accordingly, for at least the foregoing reasons, neither *Maissel*, *Thomas*, *Franzdonk*, *Herweck* or Chapman alone, nor the cited combination of *Maissel* in view of *Thomas* in view of *Franzdonk* in view of *Herweck* and further in view of *Chapman*, render claim 22 obvious under 35 U.S.C. § 103.

VIII. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Appellants request the Honorable Board to reverse each of the Examiner's rejections.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

December 13, 2010
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IX. CLAIMS APPENDIX A

This appendix presents claims 1-10 and 12-39 prior to the Amendment filed concurrently herewith.

1. A method of controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content transmitted across a communications medium, comprising:

detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the wireless communications devices by wireless communications;

determining access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content; and

selectively controlling access or consumption of receivable content by each of the detected users according to the determined access rights.

2. The method according to claim 1, wherein content is broadcasted or multicasted for receipt by the receiver terminal.

3. The method according to claim 1, wherein the region is defined by a communications range of the receiver terminal.

4. The method according to claim 1, wherein the detecting a presence further comprises detecting a location of a user's communications device and determining whether the user's communications device is within the region.

5. The method according to claim 1, wherein the determined access rights are determined according to at least an access rights level of each detected user, the access rights level enables determination of a suitability or unsuitability of particular content or content-types for consumption by the user.

6. The method according to claim 5, wherein the access rights level indicates one of a maturity of a user, suitable content type, and unsuitable content-type.

7. The method according to claim 5, wherein the determined access rights comprises a highest or lowest access rights level of the detected users.

8. The method according to claim 5, wherein the determined access rights are based according to a combination of access rights level of the detected users.

9. The method according to claim 5, further comprising receiving an access rights level of each user from the user's communications device.

10. The method according to claim 5, further comprising retrieving an access rights level for each of the detected users from a storage facility.

11. (Cancelled)

12. The method according to claim 1, wherein the selectively controlling access comprises filtering received content for output by the receiver terminal to restrict or allow access or consumption of received content according to the determined access rights.

13. The method according to claim 1, wherein the selectively controlling access comprises filtering a content guide indicating content or content-types receivable by the receiver terminal.

14. The method according to claim 13, further comprising receiving the content guide from a remote location.

15. The method according to claim 13, wherein the content guide comprises a broadcast program guide.

16. The method according to claim 15, wherein the content guide comprises one or more items indicating receivable content or content-type, the items being configured in a hierarchical parent-child structure in which an access rating of a child item cannot exceed an access rating of a parent item.

17. The method according to claim 16, wherein the filtering comprises preventing processing of an unsuitable item and any associated child items of the content guide based on the determined access rights.

18. The method according to claim 1, wherein the selectively controlling access comprises controlling searching or selection of content or content-type by each user based on the determined access rights.

19. The method according to claim 1, wherein the selectively controlling access comprises controlling receipt of content from the receivable content by the receiver terminal based on the determined access rights.

20. The method according to claim 19, wherein the controlling receipt of content comprises abstaining from receiving data burst of content determined unsuitable for access or consumption based on the determined access rights.

21. The method according to claim 20, wherein the abstaining from receiving data burst comprises powering down at least content receiving components of the receiver terminal during data bursts of content determined unsuitable.

22. The method according to claim 21, further comprising receiving receivable content including an electronic watermark indicating an access rating for the content.

23. The method according to claim 1, further comprising dynamically updating the determined access rights.

24. The method according to claim 23, wherein the dynamically updating comprises determining a new access rights upon a triggering event comprising one of detection of a new user, detection of a user leaving the region, detection of a powering down of the wireless communications device of a detected user, and detection of a change in an access rights profile on the wireless communications device of a detected user.

25. The method according to claim 23, further comprising dynamically updating access or consumption control of receivable content according to the updated determined access rights.

26. The method according to claim 1, wherein the determined access rights is determined for a period of time.

27. (Withdrawn) A method of controlling user access to content receivable by a terminal across a communications medium, comprising:

maintaining a content guide including at least items identifying available content or content-types receivable by a terminal for consumption and access rating for receivable content, the items of the content guide being arranged in a parent-child hierarchical structure

having a hierarchy rule in which an access rating of a child item does not exceed an access rating of a corresponding parent item; and

providing the content guide to the terminal.

28. (Withdrawn) The method according to claim 27, further comprising:

receiving information for updating a content guide;

determining whether the update complies with the hierarchy rule; and allowing or restricting the update based on the determination.

29. (Withdrawn) The method according to claim 27, wherein the providing comprises broadcasting the content guide from a content provider.

30. (Withdrawn) The method according to claim 27, wherein the content guide includes information concerning available programs and transmission times of the programs.

31. (Withdrawn) The method according to claim 27, wherein the content guide is one of an Electronic Program Guide (EPG) and an Electronic Service Guide (ESG).

32. (Withdrawn) A method of implementing access of content receivable by a terminal across a communication medium, comprising:

receiving from a remote location a content guide including at least items identifying receivable content or content-types receivable by a terminal for consumption and access rating for receivable content, the items of the content guide being arranged in a parent-child hierarchical structure having a hierarchy rule in which an access rating of a child item does not exceed an access rating of a corresponding parent item of the content guide; and

controlling access or consumption of receivable content according to an access rights level of a user associated with the terminal and the access rating of content from the content guide.

33. (Withdrawn) The method according to claim 34, wherein the controlling access comprises filtering items of the content guide based on the access rights level for the user.

34. (Withdrawn) The method according to claim 35, wherein the filtering comprises processing items of the content guide based on the access rights level for the user.

35. (Withdrawn) The method according to claim 36, wherein the processing items comprises abstaining from processing a parent item and any associated child items when an access rating of the parent item exceeds the access rights level of the user.

36. (Withdrawn) A method of implementing access control over receivable content by a terminal, comprising:

receiving content having an electronic watermark indicating an access rating associated with the content; and controlling access to the content by at least one user of the terminal according to the access rating.

37. (Withdrawn) The method according to claim 36, wherein access to content is controlled according to the access rating and an access rights level of the user.

38. A content receiver terminal for controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content delivered across a communications medium, comprising:

at least one processor; and

at least one memory including computer program code,

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

detect a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the users' wireless communication devices by wireless communications,

determine access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content; and

selectively control access or consumption of receivable content by each of the detected users according to the determined access rights.

39. A computer-readable storage medium encoded with processing instructions for implementing a method of controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content receivable across a communications medium which, when executed by one or more processors, cause an apparatus to at least perform the following steps:

detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed via the users' wireless communication devices by wireless communications,

determining access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content; and

selectively controlling access or consumption of receivable content by each of the detected users according to the determined access.

X. CLAIMS APPENDIX B

This appendix presents claims 1-10 and 12-39 as amended pursuant to the Amendment filed concurrently herewith.

1. A method of controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content transmitted across a communications medium, comprising:

detecting a presence of each of the users in at least one region in which content receivable by at least one receiver terminal may be consumed, wherein the detecting is performed via the wireless communications devices by wireless communications;

determining access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content; and

selectively controlling access or consumption of receivable content by each of the detected users according to the determined access rights.

2. The method according to claim 1, wherein content is broadcasted or multicasted for receipt by the receiver terminal.

3. The method according to claim 1, wherein the region is defined by a communications range of the receiver terminal.

4. The method according to claim 1, wherein the detecting a presence further comprises detecting a location of a user's communications device and determining whether the user's communications device is within the region.

5. The method according to claim 1, wherein the determined access rights are determined according to at least an access rights level of each detected user, the access rights level enables determination of a suitability or unsuitability of particular content or content-types for consumption by the user.

6. The method according to claim 5, wherein the access rights level indicates one of a maturity of a user, suitable content type, and unsuitable content-type.

7. The method according to claim 5, wherein the determined access rights comprises a highest or lowest access rights level of the detected users.

8. The method according to claim 5, wherein the determined access rights are based according to a combination of access rights level of the detected users.

9. The method according to claim 5, further comprising receiving an access rights level of each user from the user's communications device.

10. The method according to claim 5, further comprising retrieving an access rights level for each of the detected users from a storage facility.

11. (Cancelled)

12. The method according to claim 1, wherein the selectively controlling access comprises filtering received content for output by the receiver terminal to restrict or allow access or consumption of received content according to the determined access rights.

13. The method according to claim 1, wherein the selectively controlling access comprises filtering a content guide indicating content or content-types receivable by the receiver terminal.

14. The method according to claim 13, further comprising receiving the content guide from a remote location.

15. The method according to claim 13, wherein the content guide comprises a broadcast program guide.

16. The method according to claim 15, wherein the content guide comprises one or more items indicating receivable content or content-type, the items being configured in a hierarchical parent-child structure in which an access rating of a child item cannot exceed an access rating of a parent item.

17. The method according to claim 16, wherein the filtering comprises preventing processing of an unsuitable item and any associated child items of the content guide based on the determined access rights.

18. The method according to claim 1, wherein the selectively controlling access comprises controlling searching or selection of content or content-type by each user based on the determined access rights.

19. The method according to claim 1, wherein the selectively controlling access comprises controlling receipt of content from the receivable content by the receiver terminal based on the determined access rights.

20. The method according to claim 19, wherein the controlling receipt of content comprises abstaining from receiving data burst of content determined unsuitable for access or consumption based on the determined access rights.

21. The method according to claim 20, wherein the abstaining from receiving data burst comprises powering down at least content receiving components of the receiver terminal during data bursts of content determined unsuitable.

22. The method according to claim 21, further comprising receiving receivable content including an electronic watermark indicating an access rating for the content.

23. The method according to claim 1, further comprising dynamically updating the determined access rights.

24. The method according to claim 23, wherein the dynamically updating comprises determining a new access rights upon a triggering event comprising one of detection of a new user, detection of a user leaving the region, detection of a powering down of the wireless communications device of a detected user, and detection of a change in an access rights profile on the wireless communications device of a detected user.

25. The method according to claim 23, further comprising dynamically updating access or consumption control of receivable content according to the updated determined access rights.

26. The method according to claim 1, wherein the determined access rights is determined for a period of time.

27. (Withdrawn) A method of controlling user access to content receivable by a terminal across a communications medium, comprising:

maintaining a content guide including at least items identifying available content or content-types receivable by a terminal for consumption and access rating for receivable content, the items of the content guide being arranged in a parent-child hierarchical structure

having a hierarchy rule in which an access rating of a child item does not exceed an access rating of a corresponding parent item; and

providing the content guide to the terminal.

28. (Withdrawn) The method according to claim 27, further comprising:

receiving information for updating a content guide;

determining whether the update complies with the hierarchy rule; and allowing or restricting the update based on the determination.

29. (Withdrawn) The method according to claim 27, wherein the providing comprises broadcasting the content guide from a content provider.

30. (Withdrawn) The method according to claim 27, wherein the content guide includes information concerning available programs and transmission times of the programs.

31. (Withdrawn) The method according to claim 27, wherein the content guide is one of an Electronic Program Guide (EPG) and an Electronic Service Guide (ESG).

32. (Withdrawn) A method of implementing access of content receivable by a terminal across a communication medium, comprising:

receiving from a remote location a content guide including at least items identifying receivable content or content-types receivable by a terminal for consumption and access rating for receivable content, the items of the content guide being arranged in a parent-child hierarchical structure having a hierarchy rule in which an access rating of a child item does not exceed an access rating of a corresponding parent item of the content guide; and

controlling access or consumption of receivable content according to an access rights level of a user associated with the terminal and the access rating of content from the content guide.

33. (Withdrawn) The method according to claim 34, wherein the controlling access comprises filtering items of the content guide based on the access rights level for the user.

34. (Withdrawn) The method according to claim 35, wherein the filtering comprises processing items of the content guide based on the access rights level for the user.

35. (Withdrawn) The method according to claim 36, wherein the processing items comprises abstaining from processing a parent item and any associated child items when an access rating of the parent item exceeds the access rights level of the user.

36. (Withdrawn) A method of implementing access control over receivable content by a terminal, comprising:

receiving content having an electronic watermark indicating an access rating associated with the content; and controlling access to the content by at least one user of the terminal according to the access rating.

37. (Withdrawn) The method according to claim 36, wherein access to content is controlled according to the access rating and an access rights level of the user.

38. A content receiver terminal for controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content delivered across a communications medium, comprising:

at least one processor; and

at least one memory including computer program code,

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

detect a presence of each of the users in at least one region in which content receivable by at least the content receiver terminal may be consumed, wherein the detecting is performed via the users' wireless communication devices by wireless communications,

determine access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content; and

selectively control access or consumption of receivable content by each of the detected users according to the determined access rights.

39. A non-transitory computer-readable storage medium encoded with processing instructions for implementing a method of controlling user access, by a plurality of users each having associated therewith a wireless communications device, to content receivable across a communications medium which, when executed by one or more processors, cause a content receiver terminal to at least perform the following steps:

detecting a presence of each of the users in at least one region in which content receivable by at least the content receiver terminal may be consumed, wherein the detecting is performed via the users' wireless communication devices by wireless communications,

determining access rights to content based on the detected users, the access rights defining a suitability or unsuitability of each of the users to consume content; and

selectively controlling access or consumption of receivable content by each of the detected users according to the determined access.

XI. EVIDENCE APPENDIX

Appellants are unaware of any evidence that is required to be submitted in the present Evidence Appendix.

XII. RELATED PROCEEDINGS APPENDIX

Appellants are unaware of any related proceedings that are required to be submitted in the present Related Proceedings Appendix.